

Berlin, Holly (CRT)

From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Sent: Tuesday, March 29, 2022 1:12 PM
To: fmenendez@maldef.org; Kenneth Parreno; Samantha Serna; Nina Perales; Freeman, Daniel (CRT); Rupp, Michelle (CRT); Anderson, Jacki (CRT); Berlin, Holly (CRT); lindsey.cohan@dechert.com; garybledsoe@sbcglobal.net; garybledsoe@sbcglobal.net; jgreenbaum@lawyerscommittee.org; rhicks@renea-hicks.com; akhanna@elias.law; abranch@perkinscoie.com; dfox@elias.law; Kassi Yukevich; Hamilton, Kevin J. (Perkins Coie)
Cc: Patrick Sweeten; Will Thompson
Subject: [EXTERNAL] Re: LULAC v. Abbott (Redistricting)

Good afternoon Counsel,

I'm writing to follow up on the RFPs addressed to SOS by LULAC, NAACP, Voto Latino, and DOJ, and those addressed to the Governor by LULAC, NAACP, and Voto Latino. We met and conferred on this subject on March 18th in a call originally scheduled by Defendants and DOJ. I believe counsel for LULAC, NAACP, and Voto Latino also attended that Zoom call, and perhaps several others.

You'll probably remember that, using DOJ's proposed search terms, the hit counts on SOS custodians totaled over 300,000. These are replicated below:

Summary Totals:

Total Hits: 243,298
Hits + Family: 324,107

Keyword String

((Vot* OR elect*) W/100 (race OR racial* OR Black OR African OR Hispanic OR Latin* OR Spanish OR Anglo* OR ethnic* OR national* OR language OR minority OR citizen* OR immigrant* OR political OR District* OR map* OR boundar* OR plan* OR propos* OR apportion* OR drop* OR grow* OR Redistricting* OR vot* OR partisan*) AND (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR coalition* OR opportunity OR minor* OR ethnic* OR immigrant* OR citizen*))

(Agreement* OR arrangement OR contract* OR pay* OR service* OR engag* OR "employ**" OR contract* OR retain*) W/100 (district* OR map OR boundar* OR apportion* OR "Michael Best" OR Barton OR Redistrict* OR gerrymander* OR reapportion*)

(Hearing OR meet* OR witness* OR debat* OR deadline* OR due OR time OR timing OR process OR legislat* OR press OR comm* OR mark* OR amend* OR sign*) W/20 ((district* /3 (new OR proposed OR apportion*)))

(Congress* OR House OR Legislat*) W/20 (district* OR map OR boundar* OR plan* OR propos* OR registrat* OR (voter* AND NOT fraud))

"Voting Rights Act" OR VRA OR "Section 2" OR "discriminat* intent*" OR "discriminat* results" OR "minority cohes*" OR "geographically compact*" OR ("majority" W/6 "single-member district") OR Randolph) W/4 Stevenson)

("tabulation district" OR VTD OR precinct) W/10 (split* OR divid* OR cut* OR district* OR map OR apportion*)
(Justice OR DOJ OR "federal government" OR feds) W/100 (district* OR map OR boundar* OR apportion*)
"Congressional District 6" OR "District 6" OR CD6 OR "CD 6" OR (Ellzey W/20 District)
(Pair* OR pit*) W/20 (incumbent* OR legislator* OR rep* OR Congress*)
(District* OR map OR House OR Congress* OR boundar* OR apportion*) W/20 (population OR growth OR estimat* OR deviat* OR ideal)
District* W/10 (map OR boundar* OR plan OR propos* OR apportion* OR "working group")
(polariz* OR bloc*) W/10 (race OR racial* OR vot*)
"House District 118" OR "District 118" OR HD118 OR "HD 118" OR (Lujan W/20 District)
"Congressional District 23" OR "District 23" OR CD23 OR "CD 23" OR (Gonzales W/20 District)
((Texas Legislative Council" OR TLC) W/100 (district* OR map OR boundar* OR apportion* OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo* OR ethnic* OR citizen* OR immigrant* OR pattern* OR partisan OR party OR Republican* OR Democratic*)
(Census OR "Texas Demographic Center" OR TDC OR "Texas population estimates program" OR ACS) W/100 (grow* OR increas* OR drop* OR declin* OR change* OR count OR counts OR enum* OR ideal OR race OR racial* OR ethnic* OR national* OR language OR minority OR citizen OR immigrant* OR Hispanic OR Latin* OR Spanish OR Mexican OR Asian OR white* OR Anglo*)
"Spanish Surname" OR SSVR OR SSTO OR "Citizen voting age population" OR CVAP OR HCVA OR population" OR VAP OR HVAP OR BVAP
Race OR Racial* W/10 (impact* OR effect* OR stud* OR analysis OR calculat* OR project* OR report* OR memo*)
Congress* W/20 (Houston OR Harris OR H-Town OR "H Town" OR DFW OR Metroplex OR Dallas OR Shapefile* OR shape-file* OR "shape file")
Report* W/3 (RED OR PAR)
"Congressional District 24" OR "District 24" OR CD24 OR "CD 24" OR ("Van Duyne" W/20 District OR House W/20 ("El Paso" OR "West Texas" OR "South Texas" OR Bexar))
"House District 31" OR "District 31" OR HD31 OR "HD 31" OR (Guillen W/20 District)
(Huffman OR Hunter) W/20 (district* OR map* OR boundar* OR plan* OR propos* OR apportion*)
Census W/10 (district* OR House OR Congress*)
"House Bill 1" OR "HB 1" OR HB1 OR H2100 OR H2316 OR "House plan" OR "House map"
"majority-minority" OR "majority minority" OR "minority-majority" OR "minority majority" OR "minority-minority"
"Congressional District 33" OR "District 33" OR CD33 OR "CD 33" OR (Veasey W/20 District)
"Senate Bill 6" OR "SB 6" OR SB6 OR C2100 OR C2193 OR "Congressional plan" OR "Congressional map"
Opportun* W/10 (Hispanic* OR Latin* OR Spanish OR Mexican* OR Black* OR African* OR Asian* OR coalition* OR minor*)
"Congressional District 38" OR "District 38" OR CD38 OR "CD 38"
"Adam Foltz"

Custodian	Doc Count
Christina Adkins	118,111
Kristi Hart	116,687
Elections Internet	114,996

Keith Ingram	107,087
Lillian Eder	74,814
Tiffany Owens	63,960
Melanie Best	63,497
Heidi Martinez	53,292
Chuck Pinney	50,804
Krystine Ramon	48,831
Lena Proft	44,086
Kate Fisher	41,924
Emily Harwell	40,581
Julie Nanyes	16,513
Alexandra Hill	10,588
Andre Montgomery	9,982
Tamara Schoonmaker	8,710

Setting the emails to the side for a moment, we can say that Defendants intend to produce a number of non-email records that we have identified as responsive to the subpoenas directed at SOS. Of our own accord, we also intend to produce a number of documents relating to the legislative history of the redistricting bills, such as hearing transcripts.

In addition, we do not anticipate that the records within the care, custody, or control of the Governor will pose the same sort of production-volume concerns as the SOS's records. For those RFPs directed at the Governor, we intend to produce those responsive, nonprivileged documents in due course.

Regarding the SOS emails, in the meet and confer, we agreed that plaintiffs don't intend for Defendants to review the 324,000 records. And as Dan directed, we are not presently reviewing these records according to DOJ's initial proposed search terms for responsiveness to the DOJ subpoena. Whenever we receive amended search terms, or limitations on the present terms, we would be happy to discuss a mutually acceptable volume of records for review.

We haven't received search terms from LULAC, NAACP, or Voto Latino, though I believe Fatima (for LULAC) explained that those terms would be forthcoming. Just as to the DOJ subpoena, we will be happy to confer on those search terms and reach an agreeable scope of review. Similarly as to the DOJ subpoena, we are not at present reviewing the 300,000+ emails for responsiveness to the private plaintiffs' RFPs.

Thank you very much for your continued cooperation in these discovery matters. Best, Jack

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